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EXAMINER

HARRIS, CHANDA L

ART UNIT PAPER NUMBER

3714

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/036,107

Applicant(s)

FAST ET AL.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40,43-53,56-66,69-74,77-83,86-96,98-101,103-108,110-113 and 115-118 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/15/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 40,43-53,56-66,69-74,77-83,86-96,98-101,103-108,110-113 and 115-118.

## **DETAILED ACTION**

### ***Status of Claims***

In response to the Amendment filed 9/21/04, Claims 40, 43-53, 56-66, 69-74, 77-83, 86-96, 98-101, 103-108, 110-113, and 115-118 are pending. Claims 41-42, 54-55, 67-68, 75-76, 84-85, 97, 102, 109, 114 are cancelled.

### ***Claim Objections***

1. Claim 115 is objected to because of the following informalities: Claim 115 is dependent on cancelled claim 114. Appropriate correction is required.
2. Claim 103 is objected to because of the following informalities: Claim 103 is dependent on cancelled claim 102. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**Claims 40, 43-46, 49, 51-53, 56-59, 62, 64- 66, 69-70, 72-74, 77-78, 80-82, 95-96, 100-101, 103, 107-108, 111-113 and 115 are rejected under 35 U.S.C. 102(e) as being anticipated by Lotecka (US 6,296,487).**

1. [Claims 40,53,66,74,95,107]: Regarding Claims 40, 53, 66, 74, 95, and 107, Lotecka discloses providing simulation content, wherein providing simulation content comprises providing dramatic character driven story based simulation content. See Abstract. Lotecka discloses generating a representation of expected responses to the simulation content (i.e., a plurality of sentences the student may select). See Abstract. Lotecka discloses delivering the simulation content to on or more participants via a computer network (i.e., Internet). See Abstract. Lotecka discloses monitoring the one or more participants' responses to the simulation content (i.e., receiving student's selection) and providing feedback (i.e., a response scene) to the one or more participants based upon dramatic goals (i.e., goal) of the simulation. See Abstract. Lotecka discloses comparing the one or more participants' responses with the representation of expected responses to the simulation content and altering the simulation content in response to the one or more participants' responses based upon dramatic goals of the simulation, wherein the dramatic goals are based on dramatic story telling. See Col.5: 12-20.

2. [Claims 43,56,69,77]: Regarding Claims 43,56, 69, and 77, Lotecka discloses wherein the step of delivering the simulation content comprises using multimedia technology (i.e., MACROMEDIA AUTHORWARE) for creating a realistic environment. See Col.3: 27-34.

3. [Claims 44,57,70,78,101,113]: Regarding Claims 44,57, 70, 78, 101, and 113, Lotecka discloses the step of generating one or more synthetic characters. See Col.4: 54-61.
4. [Claims 45,58]: Regarding Claims 45 and 58, Lotecka discloses wherein the feedback is provided by the one or more synthetic characters. See Col.5: 12-17.
5. [Claims 46,49,59,62,96,103,108,115]: Regarding Claims 46, 49, 59, 62, 96, 103,108, and 115, Lotecka discloses wherein the one or more synthetic characters are used to alter the simulation content (e.g., However, if she responded with a "Hi," (40% probability) then the student can click on next-button 9 (FIG.5) and move on to the next prompting scene...) and altering the simulation content in response to the one or more participants' responses. See Col.5: 17-20.
6. [Claims 51,64,72,80,111]: Regarding Claims 51,64, 72, 80, and 111, Lotecka discloses the step of delivering immersive audio to the one or more participants. See Col.6: 28-30.
7. [Claims 52,65,73,81]: Regarding Claims 52,65, 73, and 81, Lotecka discloses wherein the computer network comprises the Internet. See Abstract.
8. [Claim 82]: Regarding Claim 82, the invention set forth in Lotecka is considered to be a gaming simulation.
9. [Claims 100,112]: Regarding Claims 100 and 112, Lotecka discloses wherein said simulation is a training exercise or a gaming exercise. See Abstract.

**Claims 40, 43-46, 49-53, 56-59, 62-63, 66, 69-74, 77-82, 95-96, 98-99, 100,103, 107-108, 110-115 are rejected under 35 U.S.C. 102(e) as being anticipated by Siddle (US 2003/0031986).**

1. [Claim 40,49,53,62,66,74,95-96,107-108]: Regarding Claims 40, 49, 53, 62, 66,74, 95-96, and 107-108, Siddle discloses generating simulation content (i.e. firearms training simulation). See Abstract. Siddle discloses delivering the simulation content to one or more participants via a computer network (e.g. Internet). See Abstract and p.3, [0022]. Siddle discloses monitoring the one or more participants' responses to the simulation content (i.e. tracking trainee performance). See p.1 [0007]. Siddle discloses generating a representation of expected responses (i.e. performance standard). See p.4, [0033]. Siddle discloses providing feedback to the one or more participants. See p.4 [0031-0032]. Siddle discloses comparing the one or more participant's responses with the representation of expected responses to the simulation content (i.e. performance standard). See p.4, [0033]. Siddle discloses altering the simulation content in response to the one or more participants' responses. See p.4, [0031]. Siddle discloses providing feedback to the one or more participants based upon dramatic goals of the simulation (i.e. enhance simulation effect), wherein the dramatic goals are based on dramatic storytelling. See p.3, [0021] and p.4, [0031]. Siddle discloses providing simulation content, wherein said simulation content comprises dramatic character driven story based simulation content. See p.3, [0022].

2. [Claims 44,57,70,78,101,113]: Regarding Claims 44,57, 70, 78, 101, and 113, Siddle discloses generating one or more synthetic characters (i.e. actors). See p.3, [0022].
3. [Claims 46,59,103,115]: Regarding Claims 46, 59, 103, and 115, Siddle discloses wherein the one or more synthetic characters (i.e. trainee) are used to alter the simulation content. See p.4, [0031].
4. [Claims 50,63,71,79,98,110]: Regarding Claims 50,63, 71, 79, 98, and 110, Siddle discloses wherein the simulation content depicts military scenarios (i.e. firearms training, mission and/or duty to which a trainee is assigned). See p.3, [0021]. Firearms training and depicting a mission and/or duty to which a trainee is assigned is considered to be a military scenario.
5. [Claim 51, 72, 80,99,111]: Regarding Claims 51, 72, 80, 99, and 111, Siddle discloses the step of delivering immersive audio (e.g. different audio) to the one or more participants. See p.4, [0031]. The audio disclosed in Siddle is considered to be immersive.
6. [Claims 52,73,81]: Regarding Claims 52, 73 and 81, Siddle discloses wherein the computer network comprises the Internet. See Abstract.
7. [Claim 96]: Regarding Claim 96, Siddle discloses presenting the simulation content in response to the one or more participants' responses. See p.4, [0031].
8. [Claims 82,100,112]: Regarding Claims 82, 100 and 112, Siddle discloses wherein said simulation is a training exercise (e.g. training in marksmanship skills) or a gaming exercise. See p.3, [0021].



9. [Claims 45, 58, 102,114]: Regarding Claims 45, 58, 102, and 114, Siddle discloses wherein feedback is provided by one or more of the synthetic characters (e.g. trainee response). See p.4, [0031].
10. [Claims 103,115]: Regarding Claims 103 and 115, Siddle discloses wherein the one or more synthetic characters (i.e. actors) are used to present simulation content. See p.3, [0023].
11. [Claims 43, 56, 69, 77]: Regarding Claims 43, 56, 69, 77, Siddle discloses wherein the step of delivering the simulation content comprises using multimedia technology for creating a realistic environment. See p.4, [0031].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 47-48, 60-61, 83, 86-94, 104-106, and 116-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotecka in view of Cook (US 5,727,950).**

1. [Claims 47,60]: Regarding Claims 47 and 60, Lotecka does not disclose expressly wherein the feedback is provided by an instructor (i.e. agent). However, Cook teaches such in Col.5: 46-48, Col.5: 64-Col.6: 12, and Col.6: 57-64. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to

incorporate wherein the feedback is provided by an instructor into the method and system of Lotecka, in light of the teaching of Cook, in order to provide feedback and help on ongoing instruction.

2. [Claims 48,61]: Regarding Claims 48 and 61, Lotecka does not disclose expressly alerting an instructor of the one or more participants' responses when the one or more participants' responses deviate from the representation of the expected responses to the simulation content. However, Cook teaches such in Col.13: 46-64 and Col.14: 8-16. A deviation from the representation of the expected responses to the simulation content is considered to be an error. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Lotecka, in light of the teaching of Cook, in order to track progress.

3. [Claims 83, 104]: Regarding Claims 83 and 104, Lotecka does not disclose expressly an instructor interface for displaying information to an instructor, receiving input from the instructor (i.e. teacher/administrator, agent, instructional designer) and wherein the simulation content is presented by an instructor. However, Cook teaches such in Col.29: 41-Col.30: 1-34. Lotecka does not disclose expressly an artificial intelligence engine (i.e. materials engine) for analyzing input into the one or more participant workstations and presenting the simulation content in response to the input to achieve dramatic goals of the simulation. However, Cook teaches such in Col.37: 59-61. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and

system of Lotecka, in light of the teaching of Cook in order to allow supervision of the student's use of the system and customizing of materials available to the students.

4. [Claim 86]: Regarding Claim 86, Lotecka discloses wherein the step of delivering the simulation content comprises using multimedia technology (i.e., MACROMEDIA AUTHORWARE) for creating a realistic environment. See Col.3: 27-34.

5. [Claim 87]: Regarding Claim 87, the invention set forth in Lotecka is considered to be a gaming simulation.

6. [Claim 88]: Regarding Claim 88, Lotecka discloses the step of generating one or more synthetic characters. See Col.4: 54-61.

7. [Claim 89]: Regarding Claim 89, Lotecka does not disclose expressly wherein the one or more synthetic characters are represented by digital video. However, Cook teaches such in Col.6: 13-20. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate digital video into the method and system of Lotecka, in light of the teaching of Cook in order to provide an integrated display script.

8. [Claims 90-91]: Regarding Claims 90 and 91, Lotecka does not disclose expressly wherein the one or more synthetic characters are represented by one or more static photographs (i.e. graphics) and wherein the one or more synthetic characters are represented by a plurality of articulation photographs (i.e. animation). However, Cook teaches such in Col.6: 18-20. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned

limitations into the method and system of Lotecka, in light of the teaching of Cook, in order to provide an integrated display script.

9. [Claim 92]: Regarding Claim 92, Lotecka discloses one or more authoring tools for generating additional simulation content (i.e., MACROMEDIA AUTHOURWARE). See Col.3: 27-34.

10. [Claim 93]: Regarding Claim 93, Lotecka discloses the step of delivering immersive audio to the one or more participant workstations. See Col.6: 28-30.

11. [Claims 94, 116]: Regarding Claims 94 and 116, Lotecka does not disclose expressly a system activity database for logging information generated in response to the simulation content (i.e. materials specific progress data). However, Cook teaches such in Col.15: 6-8. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation, into the method and system of Lotecka, in light of the teaching of Cook, in order to store materials specific progress data.

12. [Claims 105,117]: Regarding Claims 105 and 117, Lotecka discloses wherein the computer network comprises the Internet. See Abstract.

13. [Claims 106,118]: Regarding Claims 106 and 118, Lotecka discloses wherein the step of delivering the simulation content comprises using multimedia technology (i.e., MACROMEDIA AUTHORWARE) for creating a realistic environment. See Col.3: 27-34.

**Claims 47-48, 60-61, 83, 86-94, 104-106 and 116-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siddle in view of Cook.**

1. [Claims 47,60]: Regarding Claims 47 and 60, Siddle does not disclose expressly wherein the feedback is provided by an instructor (i.e. agent). However, Cook teaches such in Col.5: 46-48, Col.5: 64-Col.6: 12, and Col.6: 57-64. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate wherein the feedback is provided by an instructor into the method and system of Siddle, in light of the teaching of Cook, in order to provide feedback and help on ongoing instruction.

2. [Claims 48,61]: Regarding Claims 48 and 61, Siddle does not disclose expressly alerting an instructor of the one or more participants' responses when the one or more participants' responses deviate from the representation of the expected responses to the simulation content. However, Cook teaches such in Col.13: 46-64 and Col.14: 8-16. A deviation from the representation of the expected responses to the simulation content is considered to be an error. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Siddle, in light of the teaching of Cook, in order to track progress.

14. [Claims 83, 104]: Regarding Claims 83 and 104, Siddle does not disclose expressly an instructor interface for displaying information to an instructor, receiving input from the instructor (i.e. teacher/administrator, agent, instructional designer) and wherein the simulation content is presented by an instructor. However, Cook teaches

such in Col.29: 41-Col.30: 1-34. Siddle does not disclose expressly an artificial intelligence engine (i.e. materials engine) for analyzing input into the one or more participant workstations and presenting the simulation content in response to the input to achieve dramatic goals of the simulation. However, Cook teaches such in Col.37: 59-61. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Siddle, in light of the teaching of Cook in order to allow supervision of the student's use of the system and customizing of materials available to the students.

15. [Claim 86]: Regarding Claim 86, Siddle discloses wherein the step of delivering the simulation content comprises using multimedia technology (i.e., MACROMEDIA AUTHORWARE) for creating a realistic environment. See Col.3: 27-34.

16. [Claim 87]: Regarding Claim 87, the invention set forth in Siddle is considered to be a gaming simulation.

17. [Claim 88]: Regarding Claim 88, Siddle discloses the step of generating one or more synthetic characters. See Col.4: 54-61.

18. [Claim 89]: Regarding Claim 89, Siddle does not disclose expressly wherein the one or more synthetic characters are represented by digital video. However, Cook teaches such in Col.6: 13-20. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate digital video into the method and system of Siddle, in light of the teaching of Cook in order to provide an integrated display script.

19. [Claims 90-91]: Regarding Claims 90 and 91, Siddle does not disclose expressly wherein the one or more synthetic characters are represented by one or more static photographs (i.e. graphics) and wherein the one or more synthetic characters are represented by a plurality of articulation photographs (i.e. animation). However, Cook teaches such in Col.6: 18-20. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Siddle, in light of the teaching of Cook, in order to provide an integrated display script.

20. [Claim 92]: Regarding Claim 92, Siddle discloses one or more authoring tools for generating additional simulation content (i.e., MACROMEDIA AUTHOURWARE). See Col.3: 27-34.

21. [Claim 93]: Regarding Claim 93, Siddle discloses the step of delivering immersive audio to the one or more participant workstations. See Col.6: 28-30.

22. [Claims 94, 116]: Regarding Claims 94 and 116, Siddle does not disclose expressly a system activity database for logging information generated in response to the simulation content (i.e. materials specific progress data). However, Cook teaches such in Col.15: 6-8. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation, into the method and system of Siddle, in light of the teaching of Cook, in order to store materials specific progress data.

23. [Claims 105,117]: Regarding Claims 105 and 117, Siddle discloses wherein the computer network comprises the Internet. See Abstract.

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24. [Claims 106,118]: Regarding Claims 106 and 118, Siddle discloses wherein the step of delivering the simulation content comprises using multimedia technology (i.e., MACROMEDIA AUTHORWARE) for creating a realistic environment. See Col.3: 27-34.

**Claims 50, 63, 71, 79 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lotecka in view of Siddle.**

[Claims 50, 63, 71, 79,110]: Regarding Claims 50, 63, 71, 79, and 110, Lotecka does not disclose expressly wherein the simulation content depicts military scenarios.

However, Siddle teaches such on p.3, [0021] (i.e. firearms training, mission and/or duty to which a trainee is assigned). Firearms training and depicting a mission and/or duty to which a trainee is assigned is considered to be a military scenario. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate simulation content that depicts military scenarios into the method and system of Lotecka, in light of the teaching of Siddle, in order to train.

### ***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sinclair et al. (US 6,527,641)  
-game with storyline



***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. See rejection above. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Chanda L. Harris  
Primary Examiner  
Art Unit 3714